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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No.
v.	COMPLAINT FOR VIOLATION OF:
Carlos DIAZ, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

'08 MJ 2282

The undersigned complainant, being duly sworn, states:

On or about **July 25, 2008** within the Southern District of California, defendant, **Carlos DIAZ,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico,** was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF **JULY, 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Carlos DIAZ

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On July 25, 2008, at approximately 11:15 P.M., Border Patrol Agent R. Ceja, was performing line watch duties in the Chula Vista area of operations. Agent Ceja responded to an intrusion device located at an area known to Border Patrol Agents as "Wild Bills." This area is located approximately four miles east of the Otay Mesa, California, Port of Entry, and four miles north of the United States/Mexico International Border. Border Patrol Agent T. Shomake also responded to the area and viewed a group of eight with an infrared camera. Agent Shoemake observed the group of eight individuals walking northbound inside "Wild Bills" and informed Agent Ceja of their presence. Agent Ceja immediately approached the eight individuals along with Agent Shoemake and identified themselves as a United States Border Patrol Agents. Agent Ceja asked the individuals, including one later identified as the defendant **Carlos DIAZ**, of what country they were citizens or nationals of, and they all replied "Mexico." Agent Ceja also asked the individuals, including the defendant, if they had any immigration documents on them to remain or be present in the United States legally, and they all replied "No." At approximately 11:30 P.M., all eight subjects, including the defendant were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 11, 2008** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and was willing to answer any questions without a lawyer present. When questioned again as to his citizenship, the defendant freely admitted that he is a citizen and national of Mexico and does not possess the proper documents to enter or remain in the United States legally.

Executed on July 27, 2008 at 9:30 AM.

Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **July 25, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Leo S. Papas
United States Magistrate Judge

7/27/08 - 1206 Am
Date/Time